THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7634 of 2003

Dated:28.07.2006

Between:

S.Hanumantha Rayudu and another.

…Petitioner

and

The District Collector and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7634 of 2003

ORDER:

Though interlocutory applications are listed, the matter is heard finally and is being disposed of by this order. The two petitioners are residents of Bathalapalli Village of Kadiri Mandal in Ananthapur District. They own agricultural lands, where they dug bore wells in their respective lands for the purpose of irrigation. The second respondent issued an endorsement dated 16.03.2003 directing the petitioners to stop using the bore wells, on the ground that they were dug within the prohibited distance of the bore well of the fourth respondent. Aggrieved by the said endorsement, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioners, the learned Assistant Government Pleader for Revenue (General), and the learned Counsel for the fourth respondent, this Court is convinced that the impugned order was issued by the second respondent without prior notice as required under Section 12 of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short 'the Act') and Rule 15 of the

Andhra Pradesh Water, Land and Trees Rules, 2004 (for short 'the Rules'). For this reason alone, the impugned order is unsustainable. Therefore, the impugned order is set aside and the matter is remanded to the second respondent to conduct enquiry into the same after giving notices to the petitioners as well as the fourth respondent and pass appropriate orders in accordance with the Act and the Rules.

The Writ Petition, with the above observations and directions, is accordingly allowed. No costs.

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(V.V.S.RAO, J)

28.07.2006
vs